

MAR 10 2015

SENATE CONCURRENT RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AND ENACT
FEDERAL LEGISLATION TO ADDRESS THE UNITED STATES SUPREME
COURT DECISION IN *QUILL CORP. V. NORTH DAKOTA*, 504 U.S. 298
(1992), TO ALLOW THE STATE TO COLLECT GENERAL EXCISE TAX
REVENUES FROM E-COMMERCE SALES.

1 WHEREAS, internet-based e-commerce sales are continuing to
2 expand across the country; and

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4 WHEREAS, the estimated United States total for e-commerce
5 sales for 2015 will be nearly \$6,000,000,000,000, which is more
6 than five times the amount of e-commerce sales in the United
7 States in 2000; and

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9 WHEREAS, *Quill Corp v. North Dakota*, 504 U.S. 298 (1992),
10 was a United States Supreme Court ruling concerning use tax in
11 which the Supreme Court ruled that a business must have a
12 physical presence in a state for that state to require the
13 business to collect sales or use taxes; and

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15 WHEREAS, many states, including Hawaii, cannot collect all
16 consumption taxes due to lack of "nexus", or taxable presence of
17 companies, in the state; and

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19 WHEREAS, Dr. William Fox of the College of Business
20 Administration at the University of Tennessee estimated that the
21 State has missed out on about \$145,000,000 in general excise
22 taxes as of 2012, which will rapidly move up to \$211,000,000 in
23 2015; now, therefore,

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25 BE IT RESOLVED by the Senate of the Twenty-eighth
26 Legislature of the State of Hawaii, Regular Session of 2015, the
27 House of Representatives concurring, that Hawaii's congressional
28 delegation is urged to support and enact federal legislation to
29 address the United States Supreme Court decision in *Quill Corp*.



S.C.R. NO. 58

1 v. *North Dakota*, 504 U.S. 298 (1992), to allow states to collect
2 tax revenues from e-commerce sales; and

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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to Hawaii's congressional
6 delegation.
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